IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Writ Petition No. 1173 of 2004 (M/B)

1. Manjeet Pal Singh S/oSri Malkeet Singh,
   R/o Balwani Farm, P.S. Rudrapur,
   District Udham Singh Nagar.
2. Sandeep Sandhu S/o late Sri Darshan Singh,
   R/o Balwani Farm, P.S. Rudrapur,
   District Udham Singh Nagar.
3. Hira Singh S/o Daljeet Singh,
   R/o Baghwara, P.S. Rudrapur,
   District Udham Singh Nagar. …. Petitioners

Versus

State of Uttaranchal through
Secretary (Home),
Secretariat Complex,
Dehradun & others. ….. Respondents.

Mr. Lalit Sharma, learned counsel on behalf of the petitioners.
Mr. D.K. Sharma, learned Government Advocate for the State.

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Rajesh Tandon, J.

(Per Hon'ble the Chief Justice)

1. Heard Mr. Lalit Sharma, learned counsel appearing on behalf of the petitioners and Mr. D.K. Sharma, Learned Government Advocate, who accepted the notice on behalf of respondents No. 1 & 2.

2. We do not think that we can entertain this writ petition on account of the questions of fats being involved in it. There appear to be counter incidents, in which the petitioners are also complainant. According to the petitioners, it was the respondent No. 3 in this writ petition, who had come to the petrol pump of the petitioners within the area of Bilaspur Police Station, U.P. and had fired at them. According to the respondent No. 3, however, there appears to be an attack made by the petitioners on him. In short, it is the disputed question of fact as to who has the complexity in the offence, if any.

3. In that view we will not interfere in this matter at this stage. However, we do direct that if the petitioners surrender themselves

before the concerned Magistrate and apply for bail, then, their bail applications shall be decided within one week from the date of their surrender.

4. With this direction, we dispose of the writ petition.

(Rajesh Tandon, J.)
30.11.2004

(V.S.Sirpurkar, C.J.)
30.11.2004

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